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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,946	10/31/2003	Kazuo Okada	SHO-0020	8922
23353 7590 01/24/2008 RADER FISHMAN & GRAUER.PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER DUFFY, DAVID W	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

CT

Office Action Summary

Application No.

10/697,946

Applicant(s)

OKADA, KAZUO

Examiner

David W. Duffy

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This office action is in response to the amendment filed 11/27/2007 in which applicant amends claims 1 and 10, and adds claims 19-22. Claims 1-22 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/27/2007 has been entered.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of U.S. Patent No. US 7159865 B2 in view of Takeuchi et al. (US 6086066). USPN 7159865 discloses all of the features of the claims except for the movement of the electrical display overlay. USPN 6086066 to Takeuchi teaches that using a moveable reel overlay provides for surprise and entertainment of the game device user. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to have provided for the movement of the reel overlay in Okada '865 since combining prior art elements according to known methods provides predictable results and would have given the user more surprise and entertainment.

5. Claims 1-22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 7220181 in view of Takeuchi et al. (US 6086066). USPN 7220181 discloses all of the features of the claims except for the movement of the electrical display overlay. USPN 6086066 to Takeuchi teaches that using a moveable reel overlay provides for surprise and entertainment of the game device user. It would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to have provided for the movement of the reel overlay in Okada '865 since combining prior art elements according to known methods provides predictable results and would have given the user more surprise and entertainment.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US 6086066) in view of Yamamoto et al. (US 6118420), Okada (US 4889339) and Official Notice.

8. In regards to claims 1 and 5, Takeuchi discloses a variable display means (fig 1, the three reels), a second display device in front of the variable means (fig 1, element 16), input device to allow a bet command (2:49-54), controller that controls the display devices to provide a game (inherent as something must control the machine in order for it to operate), where the second display moves relative to the first (figs 3 and 5). Takeuchi lacks explicitly stating that the second display is electrically able to display various images.

9. In related prior art, Yamamoto discloses a transparent liquid crystal display that allows the superimposing of images over background images (1:24-57) with a light source disposed on the bottom (fig 1, element 102) including a frame with a plurality of members defining and creating an opening that allows light to pass therethrough (figs 1-3, element 103 and 3:56-4:4).

10. One skilled in the art would recognize the advantage of using the transparent display of Yamamoto with the system of Takeuchi as the resultant system would allow for the surprise and enhanced amusement of the player as already provided for in Takeuchi while further enhancing the abilities of the system to vary the overlaid image

which allows for more image variety as evidenced by Loose et al. (US 6517433). The combination made lacks a reel stop control.

11. In related prior art, Okada discloses that reel stop buttons allow a player to make use of his or her intuition and technique to enhance their enjoyment of the game (1:18-29). One skilled in the art would recognize the advantages of increasing player enjoyment in a game system that is profitable only when played.

12. Therefore it would have been obvious to one skilled in the art at the time to incorporate reel stop controls to the combination made above to increase player interest and subsequently owner profits. The combination made lacks a light reflection cover connected to the edge members to reflect light to the variable display and electrical display regardless of position.

13. However, examiner takes OFFICIAL NOTICE that reflectors for lights are well known as a way to direct light and thereby reduce power demand by using less powerful lights that are directed properly. Examiner offers as evidence most commercial ceiling light assemblies, vehicle headlights, etc. One skilled in the art would recognize the advantages of focusing light where it is useful and not wasted on illumination of unnecessary objects.

14. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified the combination made above to have included a light reflector to direct the light onto the gaming displays in order to reduce energy demands and provide adequate illumination of the game displays.

15. In regards to claims 2 and 3, Takeuchi discloses the second display moving back and forth and up and down relative to the first display (fig 3).

16. In regards to claim 4, Takeuchi discloses moving the second display in and out of the field of view (fig 3).

17. In regards to claim 6, Takeuchi discloses reels with a common axis of rotation (fig 1).

18. In regards to claim 7, Takeuchi discloses reels and that the second display can rotate on the same axis as the reels (figs 1 and 3).

19. In regards to claim 8, Takeuchi discloses a support body fitted into the rotation shaft, supporting the second display (figs 1 and 5, element 18) and an actuator to rotate the support body about the rotation shaft (5:23-35).

20. In regards to claim 9, the combination made discloses the system as detailed for claim 10 above. The combination made lacks a shroud to direct the lighting. However, examiner takes OFFICIAL NOTICE that shrouds to direct light are notoriously well known in the art of lighting and would have been an obvious modification to make to provide adequate illumination of the system.

21. Claims 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeuchi et al. (US 6086066) in view of Yamamoto et al. (US 6118420) and Official Notice.

22. In regards to claims 10, 14, 21, and 22, Takeuchi discloses a variable display means (fig 1, the three reels), a second display device in front of the variable means (fig 1, element 16), input device to allow a bet command (2:49-54), controller that controls

the display devices to provide a game (inherent as something must control the machine in order for it to operate), where the second display moves relative to the first (figs 3 and 5). Takeuchi lacks explicitly stating that the second display is electrically able to display various images.

23. In related prior art, Yamamoto discloses a transparent liquid crystal display that allows the superimposing of images over background images (1:24-57) with a light source disposed on the bottom (fig 1, element 102).

24. One skilled in the art would recognize the advantage of using the transparent display of Yamamoto with the system of Takeuchi as the resultant system would allow for the surprise and enhanced amusement of the player as already provided for in Takeuchi while further enhancing the abilities of the system to vary the overlaid image which allows for more image variety as evidenced by Loose et al. (US 6517433). The combination made lacks a light reflection cover connected to the edge members to reflect light to the variable display and electrical display regardless of position.

25. However, examiner takes OFFICIAL NOTICE that reflectors for lights are well known as a way to direct light and thereby reduce power demand by using less powerful lights that are directed properly. Examiner offers as evidence most commercial ceiling light assemblies, vehicle headlights, etc. One skilled in the art would recognize the advantages of focusing light where it is useful and not wasted on illumination of unnecessary objects.

26. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified the combination made above to have included a light

reflector to direct the light onto the gaming displays in order to reduce energy demands and provide adequate illumination of the game displays.

27. In regards to claims 11 and 12, Takeuchi discloses the second display moving back and forth and up and down relative to the first display (fig 3).

28. In regards to claim 13, Takeuchi discloses moving the second display in and out of the field of view (fig 3).

29. In regards to claim 15, Takeuchi discloses reels with a common axis of rotation (fig 1).

30. In regards to claim 16, Takeuchi discloses reels and that the second display can rotate on the same axis as the reels (figs 1 and 3).

31. In regards to claim 17, Takeuchi discloses a support body fitted into the rotation shaft, supporting the second display (figs 1 and 5, element 18) and an actuator to rotate the support body about the rotation shaft (5:23-35).

32. In regards to claim 18, the combination made discloses the system as detailed for claim 10 above. The combination made lacks a shroud to direct the lighting.

However, examiner takes OFFICIAL NOTICE that shrouds to direct light are notoriously well known in the art of lighting and would have been an obvious modification to make to provide adequate illumination of the system.

33. In regards to claims 19 and 20, Takeuchi discloses a variable display means (fig 1, the three reels), a second display device in front of the variable means (fig 1, element 16), input device to allow a bet command (2:49-54), controller that controls the display devices to provide a game (inherent as something must control the machine in order for

it to operate), where the second display moves relative to the first (figs 3 and 5).

Takeuchi lacks explicitly stating that the second display is electrically able to display various images.

34. In related prior art, Yamamoto discloses a transparent liquid crystal display that allows the superimposing of images over background images (1:24-57) with a light source disposed on the bottom (fig 1, element 102).

35. One skilled in the art would recognize the advantage of using the transparent display of Yamamoto with the system of Takeuchi as the resultant system would allow for the surprise and enhanced amusement of the player as already provided for in Takeuchi while further enhancing the abilities of the system to vary the overlaid image which allows for more image variety as evidenced by Loose et al. (US 6517433). The combination made lacks a light reflection cover connected to the edge members to reflect light to the variable display and electrical display regardless of position.

36. However, examiner takes OFFICIAL NOTICE that reflectors for lights are well known as a way to direct light and thereby reduce power demand by using less powerful lights that are directed properly. Examiner offers as evidence most commercial ceiling light assemblies, vehicle headlights, etc. One skilled in the art would recognize the advantages of focusing light where it is useful and not wasted on illumination of unnecessary objects.

37. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified the combination made above to have included a light

reflector to direct the light onto the gaming displays in order to reduce energy demands and provide adequate illumination of the game displays.

38. The combination made does not explicitly disclose that the electrical display device generating a front display unit effect is positioned in front of the variable display device generating a variable display unit effect at a first distance so that a player can select to visualize either the front display unit effect or the variable display effect and, when the electrical display device is in the second front display unit position, the electrical display device generating the front display unit effect is positioned in front of the variable display device generating the variable display unit effect at a second distance being less than the first distance so that the player visualizes a combination of the front display unit effect and the variable display effect. Rather the combination made raises the reel overlay out of the field of view of the player. It would have been an obvious matter of design choice, well within the abilities of one skilled in the art, to have the reel overlay display move to a first position that is still visible to the player as it would have no bearing on the game play if the raised overlay were visible to the player or not since it is the combination of the variable display and the electrical display that provides the entertainment and excitement to the user. As such, the claim fails to distinguish over the prior art.

Response to Arguments

39. Applicant's arguments filed 10/29/2007 have been fully considered but they are not persuasive. Applicant's arguments are directed to the claims as amended. The amended claims are addressed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David W. Duffy whose telephone number is (571) 272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DWD



/Corbett Coburn/
Primary Examiner
AU 3714